

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RONALD E. HANCOCK, JR.,

Plaintiff,

:

Case No. 3:10-cv-449

-vs-

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

:

MAJOR ERIC PRINDLE, et al.,

Defendants.

REPORT AND RECOMMENDATIONS

This case is before the Court on Plaintiff's Motion for Declaratory and Injunctive Relief (Doc. No. 7). As a dispositive motion, it requires a report and recommendations from a magistrate judge to whom it has been referred.

Plaintiff's request for declaratory relief is not appropriately considered as an interlocutory matter and will be considered at the time of disposition of the case on the merits.

To the extent Plaintiff is requesting preliminary injunctive relief, his Motion is not supported by any evidence as required by Fed. R. Civ. P. 65 and should be denied without prejudice to award of injunctive relief when the merits of the case are considered.

December 18, 2010.

s/ **Michael R. Merz**
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B), (C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir., 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).